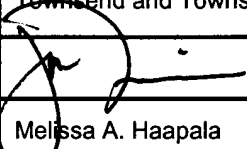


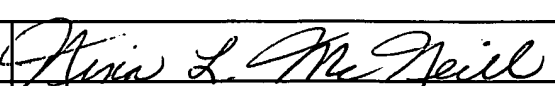
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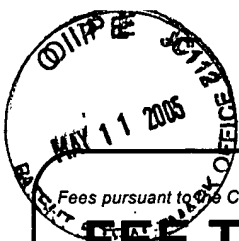
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/664,294
	Filing Date	September 18, 2000
	First Named Inventor	Raciborski, Nathan F.
	Art Unit	2155
	Examiner Name	Kevin T. Bates
Total Number of Pages in This Submission	Attorney Docket Number	019396-001300US

ENCLOSURES (Check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard		
<table border="1"><tr><td>Remarks</td><td>The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.</td></tr></table>			Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature	 Thomas D. Franklin #43616 for		
Printed name	Melissa A. Haapala		
Date	May 9, 2005	Reg. No.	47,622

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Signature			
Typed or printed name	Nina L. McNeill	Date	May 9, 2005



Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500)

Complete if Known

Application Number	09/664,294
Filing Date	September 18, 2000
First Named Inventor	Raciborski, Nathan F.
Examiner Name	Kevin T. Bates
Art Unit	2155
Attorney Docket No.	019396-001300US

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038****FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
				<u>Fee (\$)</u> <u>Fee Paid (\$)</u>

HP = highest number of total claims paid for, if greater than 20

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>

-3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>

- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Filing a brief in support of an appeal500**SUBMITTED BY**

Signature

Name (Print/Type) Melissa A. HaapalaRegistration No. 47,622
(Attorney/Agent)Telephone 303-571-4000Date May 9, 2005



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PATENT
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On May 9, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Alex L. McNeill

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Nathan F. Raciborski et al.

Application No.: 09/664,294

Filed: September 18, 2000

For: SELF-PUBLISHING NETWORK
DIRECTORY

Customer No.: 20350

Confirmation No. 3787

Examiner: Kevin T. Bates

Technology Center/Art Unit: 2155

APPELLANT BRIEF UNDER 37 CFR
§41.37

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Alexandria, VA 22313-1450

Sir:

Appellants offer this Brief further to the Notice of Appeal mailed on April 28,
2005.

05/12/2005 MAHME1 00000024 201430 09664294

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1. Real Parties in Interest

Aerocast.com, Inc. is the real party in interest as the assignee of the above-identified application.

2. Related Appeals and Interferences

No other appeals or interferences are known that will directly affect, are directly affected by, or have a bearing on the Board decision in this appeal.

3. Status of Claims

Claims 1-21 are currently pending in the application. All pending claims stand finally rejected pursuant to a Final Office Action mailed January 28, 2005. The rejections of the claims are believed to be improper and are the subject of this appeal.

4. Status of Amendments

No amendments have been made subsequent to the Final Office Action of January 28, 2005.

5. Summary of Claimed Subject Matter

In the following summary, Appellants have provided exemplary references to sections of the specification and drawings supporting the subject matter defined in the claims as required by 37 C.F.R. § 41.37. The specification and drawings also include additional support for other exemplary embodiments encompassed by the claimed subject matter. Thus, it should be appreciated that the references are intended to be illustrative in nature only.

Directories and directory systems are disclosed for cataloging information. The embodiment of claim 1 discloses a directory 104 for cataloging information on a network comprising a first conduit between the directory 104 and a first site 108, and a second conduit between the directory 104 and a second site 108. See Application, Figure 1, page 5, ll. 7-9, page

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7, ll. 22-24. A receiver function accepts a first local catalog of directory information 316 from the first site 108, and a second local catalog of directory information 316 from the second site 108. Id., Figure 3, page 12, ll. 19-28, page 40, ll. 16-26. The directory also comprises a global catalog of directory information 228 and a first timer. The global catalog of directory information 228 comprises the first local catalog 316 and the second local catalog 316. Id., page 9, ll. 8-17. The first local catalog 316 is removed from the global catalog if the first site 108 fails to autonomously report in before the first timer expires. Id., page 40, l. 27 - page 41, l. 10.

In the embodiment of claim 8, a directory 104 for cataloging information on the network comprises a plurality of connects to a plurality of sites 108. There is at least one connection per site and at least one of the plurality of connections is active at a time. Id., Figure 1, page 7, ll. 22-24. A receiver accepts a plurality of local catalogs of directory information 316 from the plurality of sites 108. Id., Figure 3, page 12, ll. 19-28, page 40, ll. 16-26. The directory further comprises a global catalog of directory information 228 and a first timer. The global catalog of directory information 228 comprises the plurality of local catalogs 316. Id., page 9, ll. 8-17. If a first site 108 fails to autonomously report in before the first timer expires, a first local catalog 316 is removed from the global catalog 228. Id., page 40, l. 27 - page 41, l. 10.

In the embodiment of claim 15, a directory system for cataloging information on a packet switched network is disclosed. The directory system includes a first site 108, a second site 108, and a third site. Id., Figure 1. Each of the sites comprises directory information. Id., Figure 3, page 12, ll. 19-28, page 40, ll. 16-26. The first directory information 316 for the first site is sent over the packet switched network 120 to the third site. Id. The second directory information 316 for the second site is also sent over the packet switched network 120 to the third site. Id. The first directory information 316 and the second directory information 316 are subsets of the third directory information 228. The first directory information 316 is removed from the third directory information 228 if the first site 108 fails to autonomously report in before the first timer expires. Id., page 40, l. 27 - page 41, l. 10.

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6. Grounds of Rejection Presented for Review

A. Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,516,337 to Tripp et al. (hereinafter "Tripp") in view of U.S. Patent No. 6,418,452 to Kraft et al. (hereinafter "Kraft").

7. Argument

A. Whether claims 1-21 are obvious over Tripp in view of Kraft.

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Tripp in view of Kraft. For this rejection to be proper, the cited references must teach or suggest all of the recitations of these claims. Appellants respectfully submit that these claims are patentable as the rejection of these claims fails to meet this burden.

Claims 1-6, 8-21

Claim 1 recites a directory that comprises a global catalog of directory information. The global catalog comprises a first local catalog from a first site and a second local catalog from a second site. The directory also includes a first timer. The first local catalog is removed from the global catalog if the first site fails to autonomously report in before the first timer expires. Tripp and Kraft do not teach or suggest that a local catalog is removed from a global catalog if the site providing the catalog fails to autonomously report in before a timer expires.

Tripp discloses a search engine that comprises distributed components located at web hosts. Tripp, col. 5, ll. 29-34. The agents report meta data about objects at the web hosts to a central server and the central server uses the meta data to generate an index to the Internet. Id. Each web site may also create one or more brochure files to provide conceptual information about the web site. As stated in Tripp, the purpose of the brochure file is to allow the web host

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to provide specific non-HTML information to the central server to assist the central server in indexing the object metadata associated with the site. Id., col. 13, ll. 37-41.

The Examiner has equated the brochure files to the local catalogs of directory information. See Final Office Action, page 2, last paragraph. In particular, the Examiner states that the removal of a brochure entry from a brochure database can be equated to the recitations of claim 1 of removing a first local catalog from a global catalog. Appellants respectfully assert that there are at least several flaws with the Examiner's assertion.

First, the brochure file is not a local catalog. Instead, it is merely a file used to provide non-HTML information about a site, such as demographic information and information about how to categorize the objects on the web site. Tripp, col. 5, ll. 38-43; col. 11, ll. 15-22. The conceptual information may be used so that more accurate search results may be generated in response to search queries. Id., col. 5, ll. 43-46. But the brochure file is not a catalog of directory information.

Additionally, the removal of the brochure file from the brochure database is completely different than the removal of the first local catalog information as recited in claim 1. In Tripp, the central search engine (in particular the brochure check server component) periodically checks web sites for new brochures. Id., col. 9, ll. 64-67. If a brochure file is missing for a given number of cycles, the brochure check server sends a request to the brochure database to delete the entry for the brochure. Id., col. 10, ll. 11-14. The brochure file is not removed upon expiration of a timer associated with a site reporting in, but instead because it is missing from the web site.

Finally, as stated in the Office Action, Tripp does not disclose that a web site should autonomously report in. As just discussed, Tripp teaches just the opposite -- that the central search engine periodically checks the web site for the brochure file. Id., col. 10, ll. 11-14.

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Thus, the Examiner relies on Kraft to disclose a web site that autonomously reports in updates to a repository. However, Kraft does not disclose that a web site autonomously reports in. Instead, in Kraft a crawler machine may request file modification information from web server machines. Kraft, col. 5, ll. 19-22. The registered web servers can report web site modification information to the crawler when requested. Id., col. 5, ll. 41-42. There is no mention or suggestion in Kraft that the web servers autonomously report in modification information.

Appellants also object to the dissection of the recitation of claim 1 between the two references. The rejection of the recitation is illustrated below, in which the portions of the recitation that the Final Office Action states are taught by Tripp are underlined and the portions that the Final Office Action states are taught by Kraft are in bold.

"a first timer, wherein the first local catalog is removed from the global catalog if the first site fails to autonomously report in before the first timer expires.

As can be appreciated by the illustration, the recitation has been analyzed in a piecemeal fashion. The recitation includes an if condition (first site fails to autonomously report in) then take action (remove local catalog from global catalog). Neither reference teaches or suggests taking the specified action of removing catalog information from a global catalog upon the occurrence of the condition that the site fails to autonomously report in.

Since the references fail to teach or suggest the recitation of claim 1 discussed above, Appellants respectfully request the reversal of this rejection. Claims 8 and 15 contain recitations similar to those discussed with reference to claim 1. Claims 2-6, 9-14, and 16-21 depend from one of claims 1, 8, or 15. Accordingly, the rejection of these claims is believed to be improper for at least the same reasons discussed with reference to claim 1.

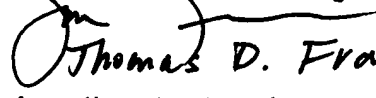
Claim 7

Claim 7 depends from claim 1. Hence, the rejection of this claim is believed to be improper for at least the same reasons as claim 1 discussed above. Appellants also respectfully submit that the rejection of this claims is improper for additional reasons.

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In claim 7, the directory further comprises a directory web page adapted for display to a user. The directory web page organizes at least a plurality of content objects included in the global catalog by categories. The Final Office Action states that this is disclosed in the portion of Trip which states that the central search engine includes a brochure database. Final Office Action, page 4, first paragraph. However, a database is not a web page adapted for display to a user. The web page organizes content objects by categories. Thus, it is the web page displayed to the user that organizes the content objects, not an underlying database. Kraft also fails to teach or suggest a web page as recited by claim 7. Appellants therefore respectfully submit that the rejection of claim 7 is also improper for the additional reasons discussed.

Respectfully submitted,


for Melissa A. Haapala
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CLAIMS APPENDIX

The claims pending in the application are as follows:

1. (Previously Presented) A directory for cataloging information on a network, the directory comprising:
 - a first conduit between the directory and a first site;
 - a second conduit between the directory and a second site;
 - a receiver function to accept:
 - a first local catalog of directory information from the first site and
 - a second local catalog of directory information from the second site;
 - a global catalog of directory information that comprises the first local catalog and the second local catalog; and
 - a first timer, wherein the first local catalog is removed from the global catalog if the first site fails to autonomously report in before a first timer expires.
2. (Original) The directory for cataloging information on a network as recited in claim 1, wherein each of the first site and second site respectively reports the first local catalog and second local catalog to the receiver function according to a predetermined schedule.
3. (Original) The directory for cataloging information on a network as recited in claim 1, wherein the first conduit and the second conduit each comprise the Internet.
4. (Previously Presented) The directory for cataloging information on a network as recited in claim 1, wherein the first and second local catalogs provide location information for a plurality of content objects.

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5. (Original) The directory for cataloging information on a network as recited in claim 4, wherein the location information comprises at least two of a path, a file name, and an address.

6. (Previously Presented) The directory for cataloging information on a network as recited in claim 1, further comprising

a second timer, wherein

the second local catalog is removed from the global catalog if the second site fails to autonomously report in before the second timer expires.

7. (Previously Presented) The directory for cataloging information on a network as recited in claim 1, further comprising a directory web page that is coupled to the global catalog, the directory web page adapted for display to a user, the directory web page organizing at least a plurality of content objects included in the global catalog by categories.

8. (Previously Presented) A directory for cataloging information on the Internet, the directory comprising:

a plurality of connects to a plurality of sites, wherein:

there is at least one connection per site, and

at least one of the plurality of connections is active at a time;

a receiver to accept a plurality of local catalogs of directory information from the plurality of sites;

a global catalog of directory information that comprises the plurality of local catalogs; and

a first timer, wherein a first local catalog is removed from the global catalog if a first site fails to autonomously report in before the first timer expires.

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9. (Original) The directory for cataloging information on the Internet as recited in claim 8, wherein each of the plurality of sites periodically report their respective local catalog to the receiver.

10. (Original) The directory for cataloging information on the Internet as recited in claim 8, wherein at least one of the plurality of connections comprise the Internet.

11. (Original) The directory for cataloging information on the Internet as recited in claim 8, wherein the plurality of local catalogs provide location information for a plurality of content objects.

12. (Original) The directory for cataloging information on the Internet as recited in claim 11, wherein the location information comprises at least two of a path, a file name, and an address.

13. (Previously Presented) The directory for cataloging information on the Internet as recited in claim 8, further comprising

a second timer, wherein:

a second local catalog is removed from the global catalog if a second site fails to autonomously report in before the second timer expires.

14. (Original) The directory for cataloging information on the Internet as recited in claim 8, further comprising at least one of a search web page and a directory web page that is coupled to the global catalog.

15. (Previously Presented) A directory system for cataloging information on a packet switched network, the directory system including:

a first site comprising first directory information;

a second site comprising second directory information; and

a third site comprising third directory information, wherein:

the first directory information is sent over the packet switched network to the third site,

the second directory information is sent over the packet switched network to the third site, and

the first directory information and second directory information is a subset of the third directory information; and

a first timer, wherein the first directory information is removed from the third directory information if the first site fails to autonomously report in before the first timer expires.

16. (Original) The directory system for cataloging information on the packet switched network as recited in claim 15, wherein each of the first site and second site respectively reports the first directory information and second directory information to the third site periodically.

17. (Original) The directory system for cataloging information on the packet switched network as recited in claim 15, wherein the packet switched comprises the Internet.

18. (Original) The directory system for cataloging information on the packet switched network as recited in claim 15, wherein the first and second directory information provides location information for a plurality of content objects.

19. (Original) The directory system for cataloging information on the packet switched network as recited in claim 18, wherein the location information comprises at least two of a path, a file name, and an address.

20. (Previously Presented) The directory system for cataloging information on the packet switched network as recited in claim 15, further comprising

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a second timer, wherein:

the second directory information is removed from the third directory if the second site fails to autonomously report in before the second timer expires.

21. (Previously Presented) The directory system of claim 15, wherein the first directory information includes content objects selected for publication to the third directory information by an administrator of the first site.

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EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.